

Application Serial No.: 10/615,025
Art Unit: 3712

Attorney Docket No. 7754.01
Confirmation No. 8771

REMARKS

By the present amendment, Applicant has cancelled Claims 1-19, and added Claims 20-33. Claims 20-33 remain pending in the present application. Claims 20, 24, and 30 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held October 21, 2004. The present response summarizes the substance of the interview. At the interview a proposed amendment was presented. Proposed new independent Claim 20 set forth a collectible having an aesthetically appealing form and texture in the form of an animal. The collectible includes an outer layer, a core, a filler material, and plurality of attachments. The outer layer is an outer fabric surface layer, which defines an enclosed volume. The core is disposed within a portion of the enclosed volume of the outer fabric surface, and the filler material is also disposed within the outer fabric surface. Together, the core and the filler material completely fill the enclosed volume of the outer fabric surface. Each one of the attachments is formed of a rolled fabric piece or portion, and each of the attachments simulates an appendage of an animal. The outer fabric surface layer and the rolled fabric portions are further characterized as being formed of a soft fabric material, and the filler material is a resilient substance that maintains a predetermined shape of the outer fabric surface so as to resemble an animal. The core is further claimed as defining an internal volume with the enclosed volume of the outer fabric outer surface.

Arguments were advanced that the applied prior art of record failed to meet the limitations of the embodiment defined by the proposed claim. Specifically, not one of the applied prior art references showed the plurality of attachments formed of a rolled fabric piece. The Examiner agreed that the limitations of the proposed independent Claim 20 were not met by the cited and

Application Serial No.: 10/615,025
Art Unit: 3712

Attorney Docket No. 7754.01
Confirmation No. 8771

applied prior art of record. Accordingly, the Examiner stated that a decision of allowability would be made upon presentation of a formal amendment.

Claims 10-19 were held withdrawn from consideration by the Examiner as being directed to a non-elected invention. Accordingly, these claims have been cancelled. However, it should be noted that under the provisions of 35 U.S.C. § 121 Applicant reserves the right to file a divisional application directed to the non-elected subject matter.

In the recent Office Action dated June 24, 2004 the Examiner rejected Claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Goldfarb et al. ('121). Claims 1 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Choi. Claims 1 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Witkin. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldfarb et al. ('121) in view of VonPhilp, Sr. The cancellation of Claims 1-9 by the present amendment should serve to obviate these particular grounds of rejection for the reasons delineated herein below.

Applicant has submitted new Claims 21-33, drawn to the embodiments of Applicant's disclosed collectibles. Specifically, newly presented independent Claim 20 is drawn to a collectible having an aesthetically appealing form and texture in the form of an animal, comprising an outer fabric surface layer defining an enclosed volume; a filler material disposed within the outer fabric surface, and a plurality of attachments formed of rolled fabric portions for simulating an appendage of an animal. The filler material is set forth as completely filling the enclosed volume of the outer fabric surface that is formed of a soft fabric material. The filler material is further characterized as being resilient for maintaining a predetermined shape of the outer fabric surface, and the rolled fabric portions are defined as being formed from towels.

Application Serial No.: 10/615,025
Art Unit: 3712

Attorney Docket No. 7754.01
Confirmation No. 8771

Similarly, newly presented Claim 24 is drawn to a collectible having an aesthetically appealing form and texture in the form of an animal, comprising an outer fabric surface layer defining an enclosed volume; a core disposed within a portion of the enclosed volume of the outer fabric surface; and a plurality of attachments formed of rolled fabric portions for simulating an appendage of an animal. The core is claimed as filling a portion of the enclosed volume of the outer fabric surface. The outer fabric surface and the rolled fabric portions are further characterized as being formed of a soft fabric material. The core is further characterized as defining an internal volume within the enclosed volume of the outer fabric outer surface.

In addition, newly presented Claim 30 is drawn to a collectible having an aesthetically appealing animal form and texture, comprising an outer fabric surface layer defining an enclosed volume; a core disposed within a portion of the enclosed volume of said outer fabric surface; a filler material disposed within the outer fabric surface; and a plurality of attachments formed of rolled fabric portions for simulating an appendage of an animal. The core and the filler material are defined as completely filling the enclosed volume of the outer fabric surface. The outer fabric surface and the rolled fabric portions are formed of a soft fabric terrycloth towel material. The filler material is claimed as being resilient for maintaining a predetermined shape of the outer fabric surface. The core is further set forth as defining an internal volume with the enclosed volume of the outer fabric outer surface.

Each of the newly presented independent claims specifically defines the attachments as being rolled fabric portions. This feature is not taught in any of the cited and/or applied prior art of record. Applicant respectfully submits that for at least this reason, new Claims 20-33 are allowable over the prior art applied of record.

Application Serial No.: 10/615,025
Art Unit: 3712

Attorney Docket No. 7754.01
Confirmation No. 8771

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard C. Litman
Registration No. 30,868
(703) 486-1000

RCL:DHT:wse